UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,441	10/31/2003	Takanobu Adachi	SHO-0022	7736

23353 7590 10/17/2008

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
D'AGOSTINO, PAUL ANTHONY	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
10/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,441	ADACHI ET AL.	
	Examiner	Art Unit	
	Paul A. D'Agostino	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-13,15 and 16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-13,15 and 16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This responds to Applicant's Arguments/Remarks filed 05/30/2008. Claims 1, 5, and 7-13 have been amended, Claims 2-4 and 14 are cancelled, and Claims 15-16 have been newly added. Claims 1, 5-13, and 15-16 are now pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.,* 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 5-13, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,517,433 to Loose et al. (Loose) in view or U.S. Patent Pub. No. 2005/1092090 to Muir et al. (Muir).

In Reference to Claims 1, 12, and 13

Loose discloses the use of a game result device display for displaying a game (2:27-35). The machine has a means to generate a bonus found and a predetermined with that is displayed on the display (3:11014 and 48-50). The display comprising a plurality of reels on which symbols are formed (Figure 1 and 2a) and a second display device arranged in front of the reels wherein the second display is an LCD and the reels can be seen (Figures 3 and 4, 2:26-35). The LCD (second display as claimed) including a symbol display area to display symbols of the reels and an effect display area formed around the symbol display area. Inherently the device of Loose includes such a feature since Loose discloses the reels being visible from behind the LCD to the viewer and so therefore that area of the LCD that the reels occupy is interpreted as the symbol display area as shown in Figure 3, features 12a-c. While the effect display area is any area outside of the symbol display area on the LCD. The effect display area can display various features such as special effects, payline labels and even animations (Figure 9a and the detailed description thereof). Finally, regarding the limitations of the varying

velocity of the symbols on the different display areas, the examiner has interpreted such limitations as intended use since they do not result in a structural difference in the claimed invention from the prior art. The prior art of Loose discloses the use of LCDs which are known to be able to display icons moving at different speeds and are certainly capable of doing so in the claimed manner and therefore meets the limitations of the claims. Additionally, Loose also discloses the use of special effects moving across the screen in Figure 9a-c and 5:1-10.

However, Loose does not explicitly disclose an LCD includinq a liquid crystal panel, a liqht quide device constructed from a transparent acrylic resin plate, the liqht guide device beinq arranged at a rear side of the liquid crystal panel, illumination devices arranqed at side edqes of the transparent acrylic resin plate of the liqht guide device for quiding liqht to the liqht guide device and a reflection film for reflecting the liqht quided to the liqht quide device, the reflection film havinq liqht transmission areas each of which corresponds to each of the reels to see and recoqnize the symbols displayed on each reel and a liqht reflection area formed around the liqht transmission areas to reflect the light from the liqht quide device toward the liquid crystal panel which is arranqed so as to cover not only the light transmission areas but also the liqht reflection area, wherein the second display device includes a symbol display area-areas to display the symbols of the reels therein throuqh the light transmission areas of the reflection film.

Muir discloses an LCD (Fig. 8 14) wherein a liqht quide device (Fig. 8 82) constructed from a transparent acrylic resin plate [0066], the liqht guide device beinq

arranged at a rear side of the liquid crystal panel (Fig. 8), illumination devices arranqed at side edqes of the transparent acrylic resin plate of the liqht guide device (Fig. 8 86) for quiding liqht to the liqht guide device and a reflection film (Fig. 8 76) for reflecting the liqht quided to the liqht quide device (system performs this operation [0062-0066], the reflection film havinq liqht transmission areas (Fig. 8) each of which corresponds to each of the reels to see and recoqnize the symbols displayed on each reel and a liqht reflection area formed around the liqht transmission areas to reflect the light from the liqht quide device toward the liquid crystal panel which is arranqed so as to cover not only the light transmission areas but also the liqht reflection area (system performs this operation [0062-0066], wherein the second display device includes a symbol display area to display the symbols of the reels (Fig. 8 16) therein throuqh the light transmission areas of the reflection film (Fig. 8 16 and 60, 76) in order to "modernize [sic] the appearance of the gaming machine" [0004] with "an enhanced display" [0068].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the LCD as taught by Muir into the teachings of Loose in order to modernize [sic] the appearance of the gaming machine with an enhanced display.

In Reference to Claims 5-8, and 10

The rejection as stated in the previous office action dated 07/16/2007 is maintained and incorporated herein. Furthermore it should also be noted that much of the limitations of the above claims are intended use limitations and should be

interpreted in the same manner as the intended use language of the rejection of claims 1 and 12-13 above.

In Reference to Claims 9 and 11

Loose as modified by Muir teaches audio/video resources to be played in connection with the game (6:4-12). It is well known in the art that audio/video can be used to intensify the gaming experience. Thus audio/video is typically played based on the wager, game theme, speed of the game, and other factors commonly known to one of ordinary skill in the art. One of such skill would therefore recognize that playing audio/video relative to the speed of the game is an excellent way of creating excitement in the game.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to change the audio video of the game corresponding to the moving velocity of the game to create or maintain player excitement in the game.

In Reference to Claims 15 and 16

Loose as modified by Muir performs these intended uses.

Response to Arguments

5. Applicant's arguments filed 5/30/2008 have been fully considered but they are not persuasive. Applicant argues that the claims as amended overcome the prior art.

Examiner respectfully disagrees and provides explanations as part of the rejection of claims above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided in the Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

/Paul A. D'Agostino/
Examiner, Art Unit 3714